APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,577	04/30/2001	Mathew Hausken	80581.02US	3250

7590	03/22/2005

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EXAMINER
SUBRAMANIAN, NARAYANSWAMY

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
APR 0 5 2005
GROUP 3600

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 September 2001_.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) _1-28_ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.   Claims 1-3, 10 and 11, drawn to a method, logic tree, computer readable

medium and a system suggesting a benefit plan from a selection of benefit plans wherein the

selection of plans comprises at least two different plans and wherein the method comprises,

presenting a series of predetermined questions to a user, wherein each question has a

question weight associated therewith; presenting a predetermined selection of answers for

each question, wherein each answer has an answer weight associated therewith for each plan

in the selection of plans; aggregating an answer score for each plan per each question,

wherein the answer score is based upon an answer selected by the user, the answer weight

associated with the answer selected and the question weight associated with the question

answered; and suggesting the plan having the largest aggregated answer score associated

therewith, classified in class 705, subclass 37.

II.   Claims 4-9 and 21-28, drawn to methods and computer-readable media having

instructions for suggesting a benefit plan from a plurality of benefit plans, the method

comprising: transmitting to a user a series of questions and a selection of answers for each

question; receiving answer inputs from the user; determining an aggregate score for each

benefit plan based upon the received answer inputs; and transmitting a suggestion for at least

one benefit plan based upon the aggregate score of each plan, classified in class 705, subclass

37.

III.   Claim 12, drawn to a method of normalizing a benefit suggestion process for

individual users, the method comprising: presenting a uniform set of questions and answers

to individual users; receiving answer input from a potential-plan sponsor; determining an answer score corresponding to each potential plan for each question based only on predetermined weighting factors and input received from the potential-plan sponsor; and suggesting a benefit plan based upon the answer scores, whereby the suggestion is normalized, classified in class 705, subclass 37.

      IV.   Claims 13-20, drawn to methods and computer-readable media having instructions for providing a user information regarding non-qualified benefits plans, the methods comprising: presenting to the user a question concerning non-qualified benefits plans; presenting to the user a plurality of user selectable answers for the question; and presenting to the user attributes of a non-qualified benefits plan in response to the user selecting one of the plurality of user selectable answers, classified in class 705, subclass 37.

      The inventions are distinct, each from the other because of the following reasons:

2.   Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to a method, logic tree, computer readable medium and a system suggesting a benefit plan from a selection of benefit plans wherein the selection of plans comprises at least two different plans and wherein the method comprises, presenting a series of predetermined questions to a user, wherein each question has a question weight associated therewith; presenting a predetermined selection of answers for each question, wherein each answer has an answer weight associated therewith for each plan in the selection of plans; aggregating an answer score for each plan per each question, wherein the answer score is based upon an answer selected by the user, the answer weight

associated with the answer selected and the question weight associated with the question

answered; and suggesting the plan having the largest aggregated answer score associated

therewith, whereas invention II relates to methods and computer-readable media having

instructions for suggesting a benefit plan from a plurality of benefit plans, the method

comprising: transmitting to a user a series of questions and a selection of answers for each

question; receiving answer inputs from the user; determining an aggregate score for each

benefit plan based upon the received answer inputs; and transmitting a suggestion for at least

one benefit plan based upon the aggregate score of each plan. See MPEP § 806.05(d). Because

these inventions are distinct for the reasons given above and the search required for Group I is

not required for Group II, restriction for examination purposes as indicated is proper even though

they are both classified in the same class and subclass.

Inventions I and III are related as sub combinations disclosed as usable together in a

single combination. The sub combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I relates to a method, logic tree, computer

readable medium and a system suggesting a benefit plan from a selection of benefit plans

wherein the selection of plans comprises at least two different plans and wherein the method

comprises, presenting a series of predetermined questions to a user, wherein each question

has a question weight associated therewith; presenting a predetermined selection of answers

for each question, wherein each answer has an answer weight associated therewith for each

plan in the selection of plans; aggregating an answer score for each plan per each question,

wherein the answer score is based upon an answer selected by the user, the answer weight

associated with the answer selected and the question weight associated with the question

answered; and suggesting the plan having the largest aggregated answer score associated

therewith, whereas invention III relates to a method of normalizing a benefit suggestion

process for individual users, the method comprising: presenting a uniform set of questions

and answers to individual users; receiving answer input from a potential-plan sponsor;

determining an answer score corresponding to each potential plan for each question based

only on predetermined weighting factors and input received from the potential-plan sponsor;

and suggesting a benefit plan based upon the answer scores, whereby the suggestion is

normalized. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given

above and the search required for Group I is not required for Group III, restriction for

examination purposes as indicated is proper even though they are both classified in the same

class and subclass.

Inventions I and IV are related as sub combinations disclosed as usable together in a

single combination. The sub combinations are distinct from each other if they are shown to be

separately usable. In the instant case, invention I relates to a method, logic tree, computer

readable medium and a system suggesting a benefit plan from a selection of benefit plans

wherein the selection of plans comprises at least two different plans and wherein the method

comprises, presenting a series of predetermined questions to a user, wherein each question

has a question weight associated therewith; presenting a predetermined selection of answers

for each question, wherein each answer has an answer weight associated therewith for each

plan in the selection of plans; aggregating an answer score for each plan per each question,

wherein the answer score is based upon an answer selected by the user, the answer weight

associated with the answer selected and the question weight associated with the question

answered; and suggesting the plan having the largest aggregated answer score associated

therewith, whereas invention IV relates to methods and computer-readable media having

instructions for providing a user information regarding non-qualified benefits plans, the

methods comprising: presenting to the user a question concerning non-qualified benefits plans;

presenting to the user a plurality of user selectable answers for the question; and presenting to

the user attributes of a non-qualified benefits plan in response to the user selecting one of the

plurality of user selectable answers. See MPEP § 806.05(d). Because these inventions are

distinct for the reasons given above and the search required for Group I is not required for Group

IV, restriction for examination purposes as indicated is proper even though they are both

classified in the same class and subclass.

Similarly other pairing of inventions stated above are related as sub combinations

disclosed as usable together in a single combination. These inventions are distinct from each

other as can be evident from the definition of the groups described above. Also they require

separate searches and hence restriction of these inventions for examination purposes as indicated

is proper.

3.   An attempt to reach Mr. Gary R. Jarosik by telephone on March 7, 2005 to request an

oral election to the above restriction requirement was unsuccessful.

4.   Applicants are advised that reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is

(703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to

7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached at (703) 308-1065. The fax phone number for the

Patent Office where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Subramanian
March 10, 2005

Jagdish N. Patel
Primary Examiner